

By: Campbell  
(Miller of Comal)

S.B. No. 1869

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Kendall County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8484 to read as follows:

CHAPTER 8484. KENDALL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8484.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Kendall County Municipal Utility District No. 1.

Sec. 8484.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8484.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1       Sec. 8484.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 8484.003  
3 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 8484.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8       (a) The district is created to serve a public purpose and benefit.

9       (b) The district is created to accomplish the purposes of a  
10 municipal utility district as provided by general law and Section  
11 59, Article XVI, Texas Constitution.

12       Sec. 8484.006. INITIAL DISTRICT TERRITORY. (a) The  
13 district is initially composed of the territory described by  
14 Section 2 of the Act enacting this chapter.

15       (b) The boundaries and field notes contained in Section 2 of  
16 the Act enacting this chapter form a closure. A mistake made in the  
17 field notes or in copying the field notes in the legislative process  
18 does not affect the district's:

19               (1) organization, existence, or validity;

20               (2) right to issue any type of bond for the purposes  
21 for which the district is created or to pay the principal of and  
22 interest on a bond;

23               (3) right to impose a tax; or

24               (4) legality or operation.

25               SUBCHAPTER B. BOARD OF DIRECTORS

26       Sec. 8484.051. GOVERNING BODY; TERMS. (a) The district is  
27 governed by a board of five elected directors.

1        (b) Except as provided by Section 8484.052, directors serve  
2 staggered four-year terms.

3        Sec. 8484.052. TEMPORARY DIRECTORS. (a) The temporary  
4 board consists of:

- 5            (1) Michael Sedlak;  
6            (2) Austin Ruple;  
7            (3) Chris Hoegemeyer;  
8            (4) Scot Wilson; and  
9            (5) Jim Guy Egbert.

10       (b) Temporary directors serve until the earlier of:

- 11           (1) the date permanent directors are elected under  
12 Section 8484.003; or  
13           (2) the fourth anniversary of the effective date of  
14 the Act enacting this chapter.

15       (c) If permanent directors have not been elected under  
16 Section 8484.003 and the terms of the temporary directors have  
17 expired, successor temporary directors shall be appointed or  
18 reappointed as provided by Subsection (d) to serve terms that  
19 expire on the earlier of:

- 20           (1) the date permanent directors are elected under  
21 Section 8484.003; or  
22           (2) the fourth anniversary of the date of the  
23 appointment or reappointment.

24       (d) If Subsection (c) applies, the owner or owners of a  
25 majority of the assessed value of the real property in the district  
26 may submit a petition to the commission requesting that the  
27 commission appoint as successor temporary directors the five

1 persons named in the petition. The commission shall appoint as  
2 successor temporary directors the five persons named in the  
3 petition.

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8484.101. GENERAL POWERS AND DUTIES. The district has  
6 the powers and duties necessary to accomplish the purposes for  
7 which the district is created.

8 Sec. 8484.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
9 DUTIES. The district has the powers and duties provided by the  
10 general law of this state, including Chapters 49 and 54, Water Code,  
11 applicable to municipal utility districts created under Section 59,  
12 Article XVI, Texas Constitution.

13 Sec. 8484.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
14 OR RESOLUTION. The district shall comply with all applicable  
15 requirements of any ordinance or resolution that is adopted under  
16 Section 54.016 or 54.0165, Water Code, and that consents to the  
17 creation of the district or to the inclusion of land in the  
18 district.

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8484.151. ELECTIONS REGARDING TAXES OR BONDS.  
21 (a) The district may issue, without an election, bonds and other  
22 obligations secured by:

23 (1) revenue other than ad valorem taxes; or

24 (2) contract payments described by Section 8484.153.

25 (b) The district must hold an election in the manner  
26 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
27 before the district may impose an ad valorem tax or issue bonds

1 payable from ad valorem taxes.

2 Sec. 8484.152. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 8484.151, the district  
4 may impose an operation and maintenance tax on taxable property in  
5 the district in accordance with Section 49.107, Water Code.

6 (b) The board shall determine the tax rate. The rate may not  
7 exceed the rate approved at the election.

8 Sec. 8484.153. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

14 (b) A contract approved by the district voters may contain a  
15 provision stating that the contract may be modified or amended by  
16 the board without further voter approval.

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8484.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24 Sec. 8484.202. TAXES FOR BONDS. (a) At the time the  
25 district issues bonds payable wholly or partly from ad valorem  
26 taxes, the board shall provide for the annual imposition of a  
27 continuing direct ad valorem tax, without limit as to rate or

amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(b) The board's order to issue bonds and authorize an ad valorem tax must provide that the imposition of the tax ends and the district's authority to assess and collect the tax ends on the retirement of the bonds for which the tax was originally authorized unless the district voters authorize the extension or continuation of the ad valorem tax in a subsequent bond election.

SECTION 2. The Kendall County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

Tract I  
FIELD NOTES COVERING 2386.785 ACRES OF LAND; BEING-THE SOUTHEAST PORTION OF THE DONNER CORPORATION RANCH OR THE K.W.W. RANCH, LOCATED ABOUT 15 MILES N. 65° E. FROM THE COUNTY SEAT IN BOERNE, TEXAS, AND BEING ALL OR PARTS OF THE FOLLOWING SURVEYS, LOCATED IN KENDALL COUNTY:

GRANTEE	SURVEY NO.	CERT.	ABSTRACT	ACRES
Hans Specht	99		456	101.515
P. Gill	96	142	1296	9.600
Hans Specht	733		486	81.818
Paul Richter	21		664	80.000
Wm. Kretzer	730		286	101.000
N. Sanchez	505	500	452	23.967
S.A. & M.G.Ry.Co.	149	46	737	112.500
Louis Willke	277		741	25.000

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1	Charles Kayser	504		285	160.000
2	H. Richter	20		419	133.330
3	Phillip Bauer	306		764	20.880
4	Henry Acker	1268			8.152
5	James H. Mars	504-1/2	95	332	257.500
6	Oscar Voelker	276		761	80.000
7	Louis Willke	600		532	160.000
8	Thos. I. Robinson	601	85	416	191.000
9	Oscar Voelker	1083		1120	54.000
10	Christian Kaiser	506		284	183.655
11	John Reinhard	601		408	142.789
12	John Reinhard	507		422	35.759
13	C. F. Bergmann	508		71	5.016
14	C. F. Bergman	822	9	1047	404.080
15	John Remmling	584		423	7.576
16	Ben Ficklin Irr. Co.	821	9	80	1.148
17	C. H. Sultenfuss	136	236	892	6.500
18	Total Acreage				23866.500

19 ALL LYING AND BEING SITUATED IN KENDALL COUNTY, TEXAS, AND BEING  
20 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, TO WIT:

21       Beginning at an old fence corner on the northeasterly cut  
22 bank of the Guadalupe River on the west corner of the Henry Richter  
23 Survey No. 20, and the southwest corner of the Elisha Maxey Survey  
24 No. 9.

25       THENCE with an old fence, generally along the southeast line  
26 of said Survey No. 9, the following:

27       N 59° 49' E, 243.00 feet;

1           N 59° 04'.E, 589.10 feet;  
2           N 59° 48' E, 853.00 feet;  
3           N 59° 36' E, 800.00 feet;  
4           N 59° 16' E, 2240.20 feet to an old fence corner marking the  
5 most northeasterly corner of this tract.  
6           THENCE with a fence, the following:  
7           S 42° 12' E, 263.00 feet;  
8           S 32° 24' E, 453.30 feet;  
9           S 60° 11'W, 1107.50 feet;  
10          S 29° 28'E, 255.00 feet;  
11          S 81° 39'W, 47.56 feet;  
12          S 19° 22'W, 41.60 feet;  
13          S 47° 44'E, 283.40 feet;  
14          S 29° 19'E, 490.00 feet;  
15          S 53° 07'W, 200.00 feet;  
16          S 53° 03'W, 382.00 feet;  
17          S 15° 03' W, 374.60 feet to a fence corner on the north cut  
18 bank of the Guadalupe River.  
19          THENCE S 15° 02' 44" W, across the Guadalupe River, 165.00  
20 feet to the south cut bank of said Guadalupe River.  
21          THENCE down the south cut bank of the Guadalupe River, with  
22 its meanders the following:  
23          S 74° 16'02" E, 377.02 feet;  
24          S 47° 56' 51" E, 466.46 feet;  
25          S 57° 04'00" E, 449.09 feet;  
26          S 40° 09'23" E, 131.48 feet to a 1/2 inch iron rod on the northeast  
27 corner of a 9,600 acre tract as recorded in volume 33, Page 332-333,



1 Kendall County Deed Records.

2       THENCE S 24° 57' W, 140.00 feet to a 1/2 inch iron rod for  
3 corner.

4       THENCE S 25° 52' W, 776.40 feet to an old rock mound for  
5 corner.

6       THENCE S 73' 22' W, 152.80 feet to a 1/2 inch iron rod in a  
7 fence.

8       THENCE with a high fence, the following:

9       S 0° 03' W, 365.81 feet;

10       S 0° 11' E, 1107.00 feet;

11       S 0' 19' E, 350.70 feet;

12       N 88° 29' W, 1605.40 feet;

13       N 88° 35' W, 435.00 feet;

14       N 88° 16' W, 468.00 feet;

15       N 87° 45' W, 504.70 feet;

16       N 85° 47' W, 478.00 feet;

17       N 86° 49' W, 371.50 feet;

18       N 55° 44' W, 500.00 feet;

19       N 65° 26' W, 445.50 feet;

20       S 16° 47' W, 1501.50 feet;

21       S 3° 21' W, 1040.60 feet;

22       S 32° 25' N, 813.50 feet to an old fence corner with a low  
23 fence.

24       THENCE with said low fence, the following:

25       S 36° 10' E, 816.00 feet;

26       S 37° 03' E, 234.20 feet;

27       S 27° 23' E, 422.50 feet;

1 N 43° 46' W, 453.20 feet;  
2 N 44° 37' W, 191.70 feet;  
3 N 70° 47' W, 68.50 feet;  
4 S 74° 45' W, 131.50 feet;  
5 N 86° 30' W, 59.00 feet;  
6 N 34° 51' W, 104.70 feet;  
7 N 33° 21' W, 223.00 feet  
8 N 62° 12' W, 30.70 feet;  
9 N 77° 09' W, 128.00 feet;  
10 N 67° 39' W, 40.00 feet;  
11 N 67° 03' W, 155.80 feet;  
12 N 55° 43' W, 114.50 feet;  
13 N 64° 46' W, 47.30 feet;  
14 N 16° 43' W, 139.40 feet;  
15 N 23° 03' W, 138.70 feet;  
16 N 19° 44' W, 185.70 feet;  
17 N 23° 46' W, 331.00 feet to an old fence corner in a high  
18 fence.  
19 THENCE with a high fence, the following;  
20 N 67° 51' W, 121.30 feet;  
21 N 80° 45' W, 531.30 feet;  
22 S 81° 05' W, 1207.50 feet;  
23 S 81° 41' W, 1249.50 feet;  
24 S 82° 02' W, 1144.10 feet to point in SE line O. Voelcker Sur.  
25 276;  
26 S 46° 03' W, 189.00 feet, SE corner O. Voelcker Sur. 276;  
27 N 46° 17' W, 520.00 feet;

1	N 1° 09' W, 321.00 feet;
2	N 38° 05' W, 130.30 feet;
3	N 88° 31' W, 328.70 feet;
4	N 45° 05' W, 611.50 feet;
5	N 44° 28' W, 713.60 feet;
6	N 46° 30' W, 187.40 feet;
7	S 48° 00' W, 483.00 feet;
8	S 45° 57' W, 758.00 feet;
9	S 44° 47' W, 1582.50 feet;
10	S 44° 11' W, 261.50 feet;
11	N 38° 23' W, 330.40 feet;
12	N 25° 30' W, 208.50 feet;
13	N 13° 11' W, 312.70 feet;
14	N 16° 28' W, 115.00 feet;
15	N 18° 53' W, 41.00 feet;
16	N 12° 19' W, 260.50 feet;
17	N 4° 02' W, 400.00 feet;
18	N 3° 49' W, 200.00 feet;
19	N 2° 48' E, 215.00 feet;
20	N 42° 12' W, 226.70 feet;
21	N 55° 37' W, 490.60 feet;
22	S 42° 33' W, 281.70 feet;
23	S 42° 58' W, 473.00 feet;
24	N 89° 53' W, 317.00 feet;
25	N 89' 50' W, 565.70 feet;
26	S 89' 56' W, 791.40 feet;
27	N 0° 21' E, 189.00 feet;

1           N 88° 44' W, 413.70 feet to a fence corner on the east margin  
2 of the Bergheim-Kendalia County Road, marking the southwest corner  
3 of this tract.

4           THENCE with a fence along the east margin of said  
5 Bergheim-Kendalia County Road, the following:

6           N 39° 22' E, 431.00 feet;

7           N 27° 08' E, at 561.00 feet the center line of a private road,  
8 and in all 614.30 feet to an angle in said fence.

9           THENCE with a fence along the east margin of said  
10 Bergheim-Kendalia County Road, the following:

11          N 24° 13' E, 333.60 feet;

12          N 9° 53' E, 487.50 feet;

13          N 6° 01' W, 1331.00 feet to a fence corner on the southeast  
14 intersection of the Bergheim-Kendalia County Road and the Edge  
15 Falls County Road.

16          THENCE with a fence along the southerly margin of the Edge  
17 Falls County Road, the following:

18          N 22° 16' E, 102.40 feet;

19          N 48° 22' E, 585.00 feet;

20          N 48° 26' E, 1526.00 feet;

21          N 44° 58' E, 1253.00 feet;

22          N 71° 44' E, 795.40 feet;

23          N 71° 39' E, 668.30 feet;

24          N 70° 27' E, 1426.00 feet;

25          N 71° 38' E, 465.00 feet;

26          N 71° 44' E, 759.00 feet;

27          N 72° 04' E, 1318.80 feet;

1           S 63° 49' E, 298.00 feet;  
2           S 42° 16' 37" E, 369.99 feet to the west cut bank of the  
3   Guadalupe River.  
4           THENCE down the westerly and southerly cut bank of the  
5   Guadalupe River, with its meanders, the following:  
6           S 62° 15' 38" W, 144.44 feet;  
7           S 15° 31' 19" E, 128.99 feet;  
8           S 20° 05' 40" W, 332.37 feet;  
9           S 8° 12' 17" E, 490.15 feet;  
10          S 8° 59' 53" E, 348.65 feet;  
11          S 8° 44' 00" E, 545.78 feet;  
12          S 8° 28' 55" E, 296.01 feet;  
13          S 11° 52' 19" E, 335.69 feet;  
14          S 36° 50' 15" E, 506.70 feet;  
15          S 66° 44' 24" E, 327.04 feet;  
16          S 75° 03' 14" E, 388.59 feet;  
17          N 69° 11' 57" E, 450.97 feet;  
18          N 57° 00' 08" E, 296.82 feet;  
19          N 26° 45' 57" E, 722.04 feet;  
20          S 55° 02' 07" E, 140.00 feet;  
21          N 23° 17' 30" E, 322.83 feet;  
22          N 19° 49' 54" E, 202.20 feet;  
23          B 23° 31' 55" E, 551.90 feet;  
24          N 53° 59' 53" E, 420.32 feet;  
25          N 59° 55' 19" E, 322.08 feet;  
26          N 74° 26' 37" E, 475.42 feet;  
27          N 89° 08' 15" E, 312.24 feet;

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1 S 55° 02' 26" E, 455.87 feet;

2 S 42° 35' 06" E, 437.34 feet;

3 S 31° 36' 05" E, 349.46 feet to a point in line with the  
4 south-easterly Line of the Elisha Survey No. 9 from north of the  
5 Guadalupe River.

6 THENCE N 60° 52' 58" E, across the Guadalupe River, 162.00  
7 feet to the PLACE OF BEGINNING.

8 SAVE & EXCEPT:

9 1.175 acres of land, more or less, described in 2 parts as  
10 follows:

11 Part I

12 1.108 acres of land, more or less, same being 0.949 of an acre  
13 of land, more or less, out of the C. F. Bergmann Survey No. 822, and  
14 0.159 of an acre of land, more or less, out of the B.F.I.&M. Co.  
15 Survey Ho. 821, as described above, and being more particularly  
16 described by metes and bounds as follows:

17 BEGINNING at a point in the proposed east right-of-way line  
18 of R.M. 3160, same being in the west line of said Donner Corp.  
19 property and the east line of the Bergheim-Kendalia County Road,  
20 said point also being 60.00 feet at right angles from T.H.D. (Texas  
21 Highway Department) Survey Line Station 451+8.99;

22 Thence along the proposed east right-of-way line of R.M. 3160 as  
23 follows:

24 Southwesterly, on the arc of a circular curve to the right,  
25 having a radius of 1969.86 feet and a chord, which bears South 20°  
26 02' West for 1299.37 feet, a distance of 1324.16 feet to a point,  
27 and

1 South 39° 17' 30" West, a distance of 71.70 feet to a point in  
2 the west line of said Donner Corp. property and the east line of the  
3 Bergheim-Kendalia County Road, said point also being 60.00 feet at  
4 right angles from T.H.D. Survey Line Station 465+14.52; and being  
5 further described as being North 38° 22' East 60.22 feet and North  
6 39° 17' 30" East 108.34 feet from the north corner of Part 2 of this  
7 Parcel.

8 Thence along the west line of said Donner Corp. property and  
9 the east line of the Bergheim-Kendalia County Road as follows:

10 North 27° 23' East, a distance of 550.65 Feet to a point;

11 North 24° 26' East, a distance of 392.24 Feet to a point, and North  
12 09° 54' East, a distance of 436.65 feet to the place of BEGINNING.

13 Part 2

14 0.067 acre of land, more or less, same being out of the above  
15 described C. H. Sueltenfuss Survey No. 136 and being more  
16 particularly described by metes and bounds as follows:

17 BEGINNING at a point in the proposed east right-of-way line  
18 of R.M. 3160, same being in the west line of said Donner Corp.  
19 property and the east line of the Bergheim-Kendalia County Road,  
20 said point also being 60.00 feet at right angles from T.H.D. (Texas  
21 Highway Department) Survey Line Station 466+85.03;

22 Thence southwesterly, on the arc of a circular curve to the  
23 left, having a radius of 1849.86 feet and a chord, which bears South  
24 33° 33' West for 250.42 feet, a distance of 250.61 feet to a point in  
25 a south line of said Donner Corp. property, said point being South  
26 89° 06' West, 378.7 feet from an interior southwest corner of said  
27 Donner Corp. 2386.785 acre tract;

1           Thence South 89° 06' West, along a south line of said Donner  
2 Corp. property, a distance of 35.10 feet to the original southwest  
3 corner of said Donner Corp. 2386.785 acre tract;

4           Thence North 39' 40' East, along the west line of said Donner  
5 Corp. property and the east line of the Bergheim-Kendalia County  
6 Road, a distance of 271.81 feet to the place of BEGINNING.

7 Being the same property conveyed to the State of Texas by Deed  
8 recorded in Volume 105, Page 445, Kendall County Deed Records.

9 SAVE & EXCEPT:

10           Being 23.741 acres of land out of a 2386.785 acre tract of  
11 Land conveyed to KMI Associates by deed dated July 27, 1973,  
12 recorded in Volume 117, Page 787 in the Deed Records of Kendall  
13 County, Texas, and being part of the Henry Bechter Survey 20,  
14 Abstract No. 419, the Henry Acker Survey 1268, and the Phillip Gauer  
15 Survey 306, Abstract No. 764, Kendall County, Texas.

16           Beginning at an iron pin at fence corner for the most easterly  
17 north corner of said 2386.785 acre tract, being in the southeast  
18 line of the Elisha Maxey Survey 9, Abstract No. 316 and the  
19 northwest line of the Henry Acker Survey 1268, and being a  
20 recentrant corner of the Alfred G. Kneupper, et ux, property  
21 recorded in Volume 68, Page 507 of the Deed Records of Kendall  
22 County, Texas.

23           Thence with fence and the southeast line of the Elisha Maxey  
24 Survey 9, Abstract No. 316 and the most easterly northwest line of  
25 said 2305.705 acre tract, S 56° 31' 48" 11 432.34 feet to an iron pin  
26 in fence.

27           Thence continuing with fence and the southeast line of the



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1 Elisha Maxey Survey' 9, Abstract No. 316, S 59° 26' 19" 11 1105.74  
2 feet to a fence post at the northeast end of a 10 foot gate for the  
3 west corner of this tract.

4 Thence through said 2386.785 acre tract, S 34° 03' 31" E 22.43  
5 feet to an iron pin in the north right-of-way line of a County Road.

6 Thence with the northeast line of said County Road S 40° 05'  
7 46" E 240.13 feet to an iron pin.

8 Thence continuing with the northeast line of said County  
9 Road, S 58° 21' 33" 477.65 feet to an eight inch fence post in  
10 concrete for the most southerly corner of this tract, being in the  
11 east line of said 2386.785 acre tract and being in the west line of  
12 the Stella Hofheinz Harz property recorded in Volume 105, Page 622  
13 of the Deed Records of Kendall County, Texas.

14 Thence with fence and the east line of said 2386.785 acre  
15 tract and the west line of the Stella Hofeinz Harz property N 18° 23'  
16 52" E 12.00 feet to a six inch post set in concrete and N 7° 48' 20" W  
17 71.38 feet to an iron pin at an 18 inch Oak tree in fence.

18 Thence continuing with fence N 23° 45' 36" W 173.42 feet to a  
19 six inch fence post.

20 Thence with fence N 60° 11' 00" E 1106.23 feet to an iron pin  
21 at fence corner for the northwest corner of said Stella Hofheinz  
22 Harz tract and the east corner of this tract.

23 Thence with fence and the southwest line of said. Alfred G.  
24 Knuepper, et ux, property, N 32° 18' 39" W 453.42 feet to an iron pin  
25 in fence.

26 Thence with fence N 41° 55' 02" W 262.86 feet to the place of  
27 beginning.

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Being the same property conveyed to O. H. Finck by Deeds recorded in Volume 122, Page 253 and Volume 122, Page 259, both Kendall County Deed Records.

TRACT II

30.004 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE HENRY RICHTER SURVEY NO. 20. ABS. 419, BEING A PART OF THE NORTHEASTERLY SECTOR OF THE DONNER CORPORATION KWW RANCH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

ORIGINATING: At a Point, the same being an Iron Pin with a Rock Mound having a Flat Rock with the inscription, "Corner 30 Acres, 02-28-73", which bears from the Point of Intersection of the Northeasterly Meanders of the Guadalupe River and the Northerly Line of the aforementioned Richter Survey along a Fence Line being the Northerly Boundary of the previously mentioned Richter Survey the following courses:

N59° 45' 00"E, 243.00 feet to a point;

N59° 04' 00"E, 589.00 feet to a point;

N59° 48' 00"E, 853.00 feet to a point;

THENCE: S32°44'32"E, 514.60 feet to the POINT OF BEGINNING of the hereinafter described tract:

THENCE: N56°49'15"E, 991.09 feet to an Iron Pin with a Rock Mound having a Flat Rock which indicates "Corner 30 Acres, 02-28-73" (The same bearing from a Northeasterly Corner, having an Iron Pin set and being also a fence corner, of the Donner Corporation KWW Ranch, the following courses: S47°44'00"E, 190.65 feet to a point; S42°16'00"W, 5.00 feet to a point; N85°41'00"W, 1172.05 feet to the above described Iron Pin):

S.B. No. 1869

1       THENCE: S15°07'15"E, 1352.62 feet to an Iron Pin (the same  
2 being referenced from a 40 inch Cypress Tree, N10°02'45"W, 9.70  
3 feet, also being referenced from another 48 inch Cypress Tree  
4 1145°16'15"E, 28.00 feet);

5       THENCE: S36°59'45"E, 9.74 feet to a Point of Intersection with  
6 the Northerly Meander Line of the Guadalupe River;

7       THENCE: Along the Northerly Meander Line of the Guadalupe  
8 River, the ensuing courses:

9       S53°00'10"W, 100.00 feet to a point;

10       S46°43'26"W, 100.61 feet to a point;

11       S39°20'13"W, 25.37 feet to a point;

12       S49°39'18"W, 98.72 feet to a point;

13       S54°44'23"W, 56.68 feet to a point;

14       S59°51'29"W, 104.01 feet to a point;

15       S64°00'41"W, 100.02 feet to a point;

16       S68°34'23"W, 100.50 feet to a point;

17       S59°48'03"W, 93.56 feet to a point;

18       S51°37'36"W, 97.12 feet to a point

19       S5°47'23"W, 25.48 feet to a point, the same being the  
20 southwesterly Corner of the herein described tract;

21       THENCE: N38°12'15"W, 29.74 feet to an Iron Pin (the same being  
22 referenced from a 36 inch Pecan Tree N27°24'45"E, 3.80 feet, also  
23 being referenced from a 24 inch Pecan Tree S23°57'15"E, 17.30 feet);

24       THENCE: N14°07'45"E, 1366.00 feet to the POINT OF BEGINNING  
25 and POINT OF CLOSURE, containing 30.004 acres of land, more or less.

26 TRACT III

27 Parcel A

S.B. No. 1869

1 100.00 ACRES

2           Being 100.00 acres of land out of and a part of the Hans  
3 Specht Survey No. 733, Abstract No. 456, the Hans Specht Survey No.  
4 99, Abstract No. 486 and the Peter Gill Survey No. 96, Abstract No.  
5 1296, Kendall County, Texas and being part of a 2,386.785 acre tract  
6 of land, same land described by deed from Donner Corporation to Joan  
7 Brown Winter, et al. dated March 1, 1969, recorded in Volume 99,  
8 Page 294 through 307 of the Deed Records of Kendall County, Texas  
9 and being more particularly described by metes and bounds, as  
10 follows:

11           BEGINNING at a fence corner found for and marking the most  
12 Easterly Southeast corner of said 2,386.785 acre tract of land,  
13 being the Southeast corner of the herein described tract.

14           THENCE with fence and the most Easterly South line of said  
15 2,386.785 acre tract, N 88° 40' 00" W, 1,286.66 feet to an angle  
16 point in fence;

17           THENCE continuing with said fence, N 80°52'14" W, 374.48 feet  
18 to a one-half inch (1/2") iron pin set in fence for the Southwest  
19 corner of this tract;

20           THENCE through said 2,386.785 acre tract N 16° 00' 36" E.  
21 3,548.79 feet to a one-half inch (1/2") iron pin set on the South  
22 bank of the Guadalupe River, being the Northwest corner of this  
23 tract;

24           THENCE with the South bank of the Guadalupe River the  
25 following course and distances:

26           S 73°57'42" E, 50.00 feet;

27           S 80°53'56" E, 61.59 feet;

1           S 75°09'36" E, 58.06 feet;  
2           S 66°28'59" E, 106.01 feet;  
3           S 74°38'57" E, 74.46 feet;  
4           S 69°09'06" E, 130.49 feet;  
5           S 55°03'45" E, 56.00 feet;  
6           S 56°48'21" E, 81.41 feet;  
7           S 49°19'47" E, 80.33 feet;  
8           S 66°54'11" E, 80.09 feet;  
9           S 52°14'05" E, 47.42 feet;  
10          S 55°55'43" E, 84.33 feet;  
11          S 50°06'31" E, 110.60 feet;  
12          S 42°21'14" E, 42.59 feet;  
13          S 46°32'50" E, 89.53 feet;  
14          S 88°39'48" E, 45.57 feet;  
15          S 37°19'15" E, 55.76 feet;  
16          S 50°33'47" E, 49.28 feet; and  
17          S 42°37'23" E, 166.17 feet to a fence corner on the South Bank  
18 of the Guadalupe River found for and marking an East corner of said  
19 2,386.785 acre tract;  
20          THENCE with fence and the East line of said 2,386.785 acre  
21 tract. S 25° 35'13" W, 926.78 feet to a fence corner;  
22          THENCE continuing with fence and East line of said 2.386.785  
23 acre tract, S 72° 27' 37" W. 150.37 feet to a one-half inch (1/2")  
24 iron pin found at fence corner;  
25          THENCE continuing with fence and the East line of said  
26 2,386.785 acre tract of land. S 00° 09' 44" E, 1,820.72 feet to the  
27 PLACE-OF-BEGINNING end containing 100.00 acres of land, more or

1 less.

2 TRACT III

3 Parcel B

4 100.00 ACRES

5 Being 100.00 acres of land out of and a part of the William  
6 Kretzer Survey No. 730, Abstract No. 286, the Paul Richter Survey  
7 No. 21, Abstract No. 664, the Hans Specht Survey No. 733, Abstract  
8 No. 456 and the Hans Specht Survey No. 99, Abstract No. 486, Kendall  
9 County, Texas and being part of a 2,386.785 acre tract of land  
10 described in deed from Donner Corporation to Joan Brown Winter, et  
11 al dated March 1, 1969, recorded in Volume 99, Page 294 through 307  
12 of the Deed Records of Kendall County, Texas and being more  
13 particularly described by metes and bounds as follows:

14 BEGINNING at a one-half inch (1/2") iron pin set in fence for  
15 the Southeast corner of this tract, being on the most Easterly South  
16 line of said 2,386.785 acre tract of land and being H 88° 52' 14" W,  
17 374.48 feet and N 88° 40' 00" W, 1,286.66 feet along fence from a  
18 fence corner found for the most Easterly Southeast corner of said  
19 2,386.785 acre tract of land.

20 THENCE with fence and the most Easterly South line of said  
21 2,386.785 acre tract of land as follows:

22 N 88° 52' 14" W, 204.42 feet;

23 N 88° 28' 27" W, 705.24 feet;

24 N 87° 06' 26" W, 689.95 feet; and

25 N 86° 45' 18" W, 602.13 feet to a one-half inch (1/2") iron pin  
26 found at fence corner;

27 THENCE continuing with fence and the most Easterly South line

1 of said 2,386.785 acre tract, N 65° 48' 20" W, 945.71 feet to a  
2 one-half inch (1/2") iron pin at fence corner found for a re-entrant  
3 corner of said 2,386.785 acre tract, being the most Westerly  
4 Southwest corner of this tract;

5 THENCE through said 2,386.705 acre tract, N 32° 28' 02" E,  
6 1,306.67 feet to a one-half inch (1/2") iron pin set for the  
7 Northeast corner of this tract;

8 THENCE S 88° 05' 08" E, 2,789.46 feet to a one-half inch (1/2")  
9 iron pin set for the Northeast corner of this tract; being on the  
10 West line of Tract 1 previously described;

11 THENCE with the West line of Tract 1 previously described, S  
12 16° 00' 36" W, 1,548.60 feet to the PLACE-OF-BEGINNING and  
13 containing 100.00 acres of land, more or less.

14 SECTION 3. (a) The legal notice of the intention to  
15 introduce this Act, setting forth the general substance of this  
16 Act, has been published as provided by law, and the notice and a  
17 copy of this Act have been furnished to all persons, agencies,  
18 officials, or entities to which they are required to be furnished  
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
20 Government Code.

21 (b) The governor, one of the required recipients, has  
22 submitted the notice and Act to the Texas Commission on  
23 Environmental Quality.

24 (c) The Texas Commission on Environmental Quality has filed  
25 its recommendations relating to this Act with the governor, the  
26 lieutenant governor, and the speaker of the house of  
27 representatives within the required time.

1           (d) All requirements of the constitution and laws of this  
2 state and the rules and procedures of the legislature with respect  
3 to the notice, introduction, and passage of this Act are fulfilled  
4 and accomplished.

5           SECTION 4. (a) If this Act does not receive a two-thirds  
6 vote of all the members elected to each house, Subchapter C, Chapter  
7 8484, Special District Local Laws Code, as added by Section 1 of  
8 this Act, is amended by adding Section 8484.104 to read as follows:

9           Sec. 8484.104. NO EMINENT DOMAIN POWER. The district may  
10 not exercise the power of eminent domain.

11           (b) This section is not intended to be an expression of a  
12 legislative interpretation of the requirements of Subsection (c),  
13 Section 17, Article I, Texas Constitution.

14           SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2013.